

## A. STATE-AT-A-GLANCE

<b>1) Program Operation</b>	County operated.
<b>2) Number of Local Offices (excluding Agencies under Cooperative Agreements)</b>	None.
<b>3) Type of Agencies with Cooperative Agreements</b>	58 County Family Support Divisions (District Attorney) under cooperative agreements with state IV-D agency.
<b>4) Uniform Interstate Family Support Act</b>	No.
<b>5) Agreements With Tribal Entities</b>	No.
<b>6) Age of Majority for Termination of Support</b>	18 years, unless child still in high school, then collection continues until child graduates or turns 19, whichever occurs first.
<b>7) Statutes of Limitation:</b>	
• <b>Collection of Past Due Support</b>	Enforceable until paid in full.
• <b>Paternity Establishment</b>	Emancipation. Paternity can be established at any time, IV-D does it until age of majority (up to age 18).
<b>Dormancy Revival/Renewal Possible [yes/no]</b>	
<b>8) Guidelines</b>	Percentage of parents' net disposable incomes, adjusted according to the percentage of time each parent has primary physical responsibility for child.
<b>9) Interest Rates on</b>	
• <b>Missed Payments</b>	Statutory rate of 10% per annum, interest accrues from date of entry of judgment on lump sum due, and from date installment is due if payable in installments.
• <b>Retroactive Support</b>	See "Missed Payments".
• <b>Adjudicated Arrearage</b>	See "Missed Payments".
<b>10) Arrearage Collections for Non-minor Child(ren)</b>	Yes if accrued while a minor; through various enforcement techniques, including tax intercepts, wage assignments and levies.
<b>11) Distribution Scheme</b>	Current and Statewide Automated Child Support System: First to current support (if multiple cases, proportionately among the cases) (except IRS and FTB collections which apply first to AFDC arrears interest and then principal).
• <b>AFDC Arrears</b>	<p>Current System: First to case with AFDC arrears (interest first, then principal and then to case with non-AFDC arrears (interest first, then principal).</p> <p>Statewide Child Support System:</p> <p>Distribution within the case is to oldest arrears in debt type priority, interest first and then principal. Example: application to oldest interest on Child Support, then Medical Support, then Spousal Support, then oldest principal on Child Support, then Medical Support, etc. and last to fees.</p> <p>Generally, allocation between multiple cases in the State depends on payment source. Example: interstate payment is case specific;</p>

	<p>absent parent payment (no wage assignment on any case) is payer specific - shared proportionately based on the total arrearages owed; wage assignment payment is case specific - to case with active wage assignment; and lien payment is order specific - to case with specific order.</p> <p>Payer specific payments will first be applied to the case that has a criminal action in place until installment satisfied, arrears repaid or action ended. Next, payer specific payments will be applied to case with installments ordered on the arrears. After the installment is satisfied, the remainder is prorated to all cases based on the total lump sum arrearages owed (principal plus interest).</p>
• <b>Non-AFDC Arrears</b>	See AFDC arrears above.
<b>12) Procedures Regarding Medical Support Using Income Withholding</b>	Yes. If the obligor has been ordered by the court to maintain health insurance coverage for his/her dependent children, the district attorney may use a health insurance coverage assignment order (HICA) to order the obligor's employer or other person providing health insurance coverage to the obligor to enroll the children in the health plan available to the obligor and to deduct the appropriate premium or costs from the obligor's earnings.
<b>13) New Hire Reporting</b>	Yes.
<b>14) Recovery of Costs Elected Under State Plan</b>	No.
<b>15) Recovery of Costs for Initiating State</b>	Yes, blood test fees.
<b>16) Long-Arm Statute/s Citation/s</b>	Yes. 45 CFR 303.7[b][1]
<b>17) Automated Locate Resources</b>	DMV (Vehicle/Driver's License); EDD (Unemployment Insurance/Disability Insurance/Wages); DOJ (Criminal Records/Applicant Records); FTB (State income tax ); PTEF (Property Tax Exemption-Owner Occupied Residence) and FPLS (Federal Parent Locator Service).
<b>18) Enforcement Options</b>	
• <b>State Income Tax Refund Intercept</b>	Yes.
• <b>License Revocation/ Suspension</b>	Yes.
• <b>Administrative Liens</b>	No.
• <b>Property Seizure &amp; Sale</b>	Yes.
• <b>State Funds/Benefits (please specify)</b>	Yes. Worker's Compensation, Unemployment Compensation, Vocational Rehabilitation Compensation.
• <b>Other (please specify)</b>	IRS refund intercept.
<b>19) Spousal Maintenance Orders (specify yes or no)</b>	
• <b>Establish</b>	No.
• <b>Enforce</b>	Yes, if the IV-D agency is enforcing the child support order.
• <b>Modify</b>	No.
<b>20) Current Spouse/Partner Information Required</b>	No.

## B. UNIFORM INTERSTATE FAMILY SUPPORT ACT

1)	State Code Citation	N/A
2)	Effective Date	N/A
3)	Adopted Verbatim? If no, list differences.	N/A
4)	Repeal URESA?	N/A
5)	Repeal IWW?	N/A

## C. INCOME WITHHOLDING

1)	Income Withholding Terminology	Income withholding/wage assignment.
2)	Income Withholding Procedures	
	• State Withholding Limits	50% of disposable income, unless the court order specifies a higher percentage. Federal law prohibits withholding more than 65% of disposable income.
	• Fee Charged by Employers	\$1.00 per withholding.
	• Date to Remit	Within 10 days of the date the obligor is paid.
	• Penalty	Liability for the amount of support not withheld.
3)	Definition of Employer	Any person or organization having any person in employment defined as personal services of whatever nature, including service in interstate commerce, performed for earnings or under any contract for personal services.
4)	Included Income	Wages, salary, bonus, money, benefits, vacation pay, retirement pay, payments due for services of independent contractors, dividends, rents, royalties, residuals, patent rights, payments of credit due for services or sales such as wages, salary commissions, or bonus or otherwise.
5)	Excluded Income	Tips are generally not included as earnings since they are not paid by the employer.
6)	Direct Income Withholding for Unemployment Compensation, include address	No.
7)	Direct Income for Workers' Compensation, include address	No.
8)	Direct Income Withholding, other income sources subject to, include address	No.
9)	Direct Income Withholding, list Other Income Sources NOT subject to	No.
10)	Federal Withholding (See Federal Pay Agents Section)	IV-D Directors need not answer this question.
11)	Procedures for Contesting Income Withholding	Yes.
12)	Arrearages through Income Withholding	Yes.
13)	Enforcing Against Non-Resident Obligor Asset/Income	Yes.

<b>14) Exception to Immediate Withholding</b>	<p>Any of the following conditions exist:</p> <p>The child for whom support is owed is emancipated or deceased; the court determines good cause exists (good cause exists when all of the following conditions exist: the court provides a written explanation of why the stay of the wage assignment would be in the best interests of the child; the obligor has a history of uninterrupted, full, and timely payment, other than through a wage assignment or other mandatory process of previously ordered support, during the previous 12 months; the obligor does not owe an arrearage for prior support; the obligor proves and the court finds, by clear and convincing evidence that service of the wage assignment would cause extraordinary hardship upon the obligor); the obligor meets the conditions of an alternative arrangement and a wage assignment has not been previously terminated and subsequently initiated; there is no longer a current order for support; the termination of the stay of an assignment order was improper, but only if that termination was based upon the obligor's failure to make timely support payments; the employer or agency designated to provide services under Title IV-D of the Social Security Act is unable to deliver payment for a period of six months due to the failure of the obligee to notify that employer or agency of a change in the obligee's address.</p>
<b>15) Multiple Obligations Withholding Priorities</b>	
• Policy	California Rules of the Court Rule 1285.70A.
• Priority	California Rules of the Court Rule 1285.70A.
• Assistance	N/A
• Allocation	Employer must prorate based on amounts of court ordered support (Rule 1285.70A).

## D. PATERNITY

<b>1) Interstate Paternity Procedures</b>	Petition to establish paternity filed in superior court; absent parent served with petition and given 30 days to respond; if no response, default taken; if absent parent files an answer, disputes paternity, order for blood tests requested and case placed on calendar for trial.
<b>Consent Orders Obtained</b>	Yes.
<b>2) Uniform Parentage Act</b>	Yes.
<b>3) Uniform Act on Blood Testing</b>	Yes.
<b>4) Parentage Order Available Without Order for Support</b>	Yes.
<b>5) Custody/Visitation Addressed Subject to Tribunal's Jurisdiction</b>	No.
<b>6) Genetic Test Results as Presumption of Paternity</b>	Yes. A rebuttable presumption.
<b>Threshold</b>	Paternity index of 100 or greater per California Family Code

	Section 7555(b)(2).
7) <b>Paternity Acknowledgment as Presumption of Paternity (Rebuttable/Conclusive)</b>	Acknowledgment of paternity creates a rebuttable presumption for first 3 years after signed. After 3 years it creates a conclusive presumption.
8) <b>Marriage as Presumption of Paternity</b>	Yes, a conclusive presumption.
9) <b>Putative Father's Name on Birth Certificate, Effect of</b>	None - unless name on birth certificate came from a paternity acknowledgment or judicial action.
10) <b>Other Statutory Presumptions</b>	Putative father and child's natural mother are or have been married to each other and the child is born during the marriage or within 300 days after the marriage is terminated; before the child's birth, the putative father and natural mother attempted to marry and the child is born during the attempted marriage or within 300 days of termination of marriage or cohabitation; after the child's birth the putative father and natural mother attempted to marry, and he consented to listing his name on the birth certificate, or is obligated by a written voluntary agreement or court order to support the child; the putative father receives the child into his home and openly holds out the child as his natural child; the paternity index is 100 or greater; through 1/1/97, the child was born or resides in a nation with which the U.S. engages in an orderly departure program or successor program, and the father acknowledges that he is the child's father in a declaration under penalty of perjury.
11) <b>Recognition of Common Law Marriage</b>	No.
12) <b>Personal Appearance of Witness or Custodial Parent Required</b>	Possibly; there is no mandatory requirement, however testimony may be required if necessary to the proceedings.
<b>Acceptable Methods of Testimony</b>	Written depositions and interrogatories accepted; generally teleconferencing and videotaping are not accepted in absence of stipulation or court approval; court may designate judge of initiating court as a person before whom a deposition may be taken.
13) <b>Long-Arm Statute</b>	Yes.
14) <b>Assistance to Other States Using Their Long-Arm Statutes</b>	Yes.
• <b>Service of Process</b>	Contact county Family Support Office.
• <b>Genetic Testing</b>	Contact county Family Support Office.
15) <b>Recovery of Genetic Testing Costs for Other States</b>	Yes.

## E. SUPPORT ORDER ESTABLISHMENT

1) <b>Interstate Procedures</b>	Complaint to establish filed with court. Non-custodial parent is served, has 30 days to respond. If no response, default taken. If answer filed, action set for trial.
2) <b>Income Considered for Setting Support</b>	Net monthly disposable income of each parent.
3) <b>Criteria for Rebuttal</b>	Support is not assigned and parties stipulate to a different amount; deferred sale of home and rental value exceeds mortgage payments, homeowner's insurance, and taxes; parent ordered to pay support has extraordinarily high income; parent is not contributing to child's needs commensurate with that parent's custodial time; application of formula would be unjust or inappropriate due to extraordinary circumstances.
4) <b>Support Order for Prior Periods</b>	A support order may be made retroactive to the date of filing the

	notice of motion or order to show cause.
	State law allows, in AFDC cases, support to be collected retroactively 3 years prior to the date the complaint was filed.

## F. ENFORCEMENT

(Note: If multiple orders, see Part “G”)

### I. ENFORCING YOUR OWN ORDER

1)	<b>Enforcement for Non-Resident Family</b>	Same as for resident family if non-custodial parent resides in California or draws California wages.
2)	<b>Administrative Procedures and Remedies Available</b>	No.
3)	<b>Judicial Procedures and Remedies Available with Registration</b>	Yes.

### II. ENFORCING OTHER STATES’ ORDERS

4)	<b>Administrative Procedures and Remedies Available Without Registration</b>	None.
5)	<b>Judicial/Administrative Remedies with Registration</b>	All enforcement remedies.
6)	<b>UIFSA/URES Registration and Enforcement Procedure</b>	URES Registration and Enforcement
7)	<b>Judicial Procedures Required after Registration</b>	None.
8)	<b>Uniform Enforcement of Foreign Judgments Act Citation</b>	California Family Code Section 4852.

## G. MODIFICATION/REVIEW & ADJUSTMENT OF ORDERS

1)	<b>Jurisdiction Requirements</b>	California must have continuing exclusive jurisdiction.
2)	<b>Modification Procedures</b>	Orders can be modified upon a showing of substantial change of circumstances; Income and Expense Declarations must be filed by both parties; child support is calculated from declarations and based on absent parent's ability to pay.
3)	<b>Criteria for Modification</b>	At the request of either party, the case must be modified if: guidelines indicate that the amount of support ordered should be increased or decreased by at least \$50 or 30%, whichever is greater, and the change is anticipated to last at least 6 months or medical insurance is available.

<b>4) Criteria for Change of Circumstances</b>	Increase or decrease in order of \$50 or 30% whichever is greater, or medical insurance becomes available.
<b>5) Frequency With Which Reviews are Conducted</b>	Upon request of the non-custodial parent, custodial parent or guardian, however, reviews will not be conducted if: 1) the case was reviewed within the prior 12 months; 2) the case was modified within prior 24 months; or 3) most recent quarterly locate was unsuccessful and no new information available. Cases with assigned support reviewed automatically every 36 months.
<b>6) Criteria for Review</b>	See Frequency of Reviews.
<b>7) Criteria for Adjustment</b>	See Criteria for Modification.

## **H. MULTIPLE ORDERS**

### **ENFORCEMENT AND MODIFICATION**

<b>1) Controlling Order</b>	The state that issues the order, as long as one of the contestants, or the child, live in the issuing state.
<b>2) Date of Controlling Order</b>	Per continuing exclusive jurisdiction analysis.
<b>3) If No Controlling Order</b>	All orders are presented to tribunal and continuing exclusive jurisdiction is assumed with entry of new order.
<b>4) Arrears Procedure</b>	Arrears are not modifiable.

## I. Documentation Required to Initiate Requests

ACTION REQUESTED	DOCUMENTS NEEDED	# of Copies of each document	Certification required for each document *See below
Establishment of Paternity and Support	All forms in standard URESA forms packet.	3	C
Enforcement of Responding State's Order	Transmittal.  Certified orders.  Payment records.	3	C
Modification of Responding States' Orders	Completed Income and Expense Declarations from both parents. Other forms may be required depending on the case.	3	C
Administrative Enforcement of Another States' Order	N/A		
Registration for Enforcement of Another States' Order	Transmittal.  Certified orders.  Payment records.	3	C
Collection of Arrearages in Multiple Orders	Transmittal.  Certified orders.  Payment records.	3	C
Uniform Enforcement of Foreign Judgments Act	Transmittal.	3	C



<b>ACTION REQUESTED</b>	<b>DOCUMENTS NEEDED</b>	<b># of Copie s  of each docu- ment</b>	<b>Certifi- cation require d for each docu- ment  *See below</b>
	Certified orders.  Payment records.		
Modification of Another State's Order	Order must be registered in California; completed Income and Expense Declarations from both parents. Other forms may be required depending on the case.	3	C
Status Update on an Existing Interstate Case	Status request.	1	E
Assistance/Discovery			
Quick Locate	California county initiating form: CR-60. CPLS extracts data from CR-60 for use in transmitting the quick locate request to the other state's S.P.L.S.		

*\*A= Notarization by Notary Public; B= Certification by signature of agency official;  
C= Certification by signature of court official; D= Others (please specify);  
E= Certification not required*